



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MON, APRIL 27, 2009
7:00P.M.**

OPENING MATTERS

CALL TO ORDER

INVOCATION: Msgr. Thomas Orsulak, St. Peter's RC Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Mayoral Proclamations

- Recognizing Bike Week, accepted by Emily Weidner

Council Commendations

- Recognizing AFSCME Week, accepted by Ron Lyons, President
- Recognizing the individual achievements of Holy Name athletes

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made

from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA

AGENDA: Council Meeting of April 27, 2009

MINUTES: Council Meeting of April 13, 2009

Consent Agenda Legislation

Award of Contract – for the Orange and Cherry Playground to Lechmanik, Inc., 414 Birmingham Road, West Chester, PA, at a bid price of \$174,260.90 **(Public Works)**
To Be Distributed on Monday

Resolution – waiving the requirement of bond surety for the Goggleworks Apartment project **(Law)**

Resolution - authorizing the scheduling of a hearing on, advertisement, posting and forwarding for comment amendment to the City of Reading Zoning Ordinance and Zoning Map creating a new MU – Municipal Use zoning district **(Law)**

Resolution – authorizing the amendment of the FFY2008 one year Action Plan and the FFY2004 to FFY2008 five year Consolidated Plan to program \$1,267,021 in Homeless Prevention and Rapid Re-Housing Program funding. (CD)

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS, AUTHORITIES, AND COMMISSIONS

Dennis Louwerse, Executive Director, BARTA

ORDINANCES FOR FINAL PASSAGE

Bill No. 22-2009 - amending Chapter 11 Housing of the City of Reading Codified Ordinances by amending the term “Housing Permit” to “Rental Registration” **(Law)**
Introduced at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee; Tabled at the April 13 regular meeting

Bill No. 23-2009 - authorizing the Mayor to execute a deed, temporary easement from the City of Reading to the Commonwealth of Pennsylvania, Department of Transportation, and other documents (agreement of sale & settlement statement), thereby conveying premises situate at Route 183, Bern Township, Berks County, Pennsylvania **(Law)** *Introduced at the April 13 regular meeting*

Bill No 24-2009 - amending 1-271 of the City of Reading Personnel Code (Salary Administration) by amending the salary range for the Finance Director **(Man Dir)** *Introduced at the April 13 regular meeting*

Bill No. 25-2009 - setting forth the salary of the Finance Director at ninety-eight thousand dollars (\$98,000.00) per annum **(Man Dir)** *Introduced at the April 13 regular meeting*

Bill No. 26-2009 – authorizing the amendment of the 2009 budget – revenues and expenditures – as attached **(Finance)** *Introduced at the April 13 regular meeting*

Pending
Advertisement and Public Hearing Required by MPC
Notice of Pending Ordinance Doctrine

Ordinance - amending the City of Reading Code of Ordinances Chapter 27 Zoning by creating a new section in Part 11 Additional Requirements for Specific Uses of Zoning Districts by placing requirements for the rental of single family homes in areas zoned R-1, R-1a and R-2 and amending the definitions section (Council Staff) *Introduced January 2009, Public Hearing held March 18th at 5 p.m. in Council Chambers*

Pending Further Review

Ordinance - amending the City of Reading Codified Ordinances – Chapter 4 – Part 1 Historical Districts – Section 102 by adding the definition of satellite dish, antenna and other modern device and Chapter 4 – Part 1 Historic Districts by establishing guidelines for the installation of satellite dishes and other modern accessories, devices or fixtures of comparable size in historic districts **(Waltman)** *Introduced at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee; Tabled at the April 13 regular meeting; review by HARB*

Ordinance - amending the City of Reading Codified Ordinances by creating a new Part 20 - Vacant Building Registration - in Chapter 10 Health and Safety Enforcement **(Council Staff & Law)** *Introduced at the April 13 regular meeting; reviewed and discussed at the April 20th work session*

INTRODUCTION OF NEW ORDINANCES

Ordinance - amending the City of Reading Zoning Ordinance per Exhibit “A” to create a new zoning district to be known as Municipal Use (MU) Zoning District and the uses allowed therein as well as the requirements for such uses and amending the City of Reading Zoning Map to reflect the addition of a new zoning district as described in and per the map attached as Exhibit “B” **(Law)**

RESOLUTIONS

Resolution - confirming the appointment of Carl Geffken as Finance Director for the City of Reading **(Man Dir)**

Resolution – appointing Andre Grant to the Blighted Property Review Committee **(Admin Oversight)**

Resolution – reappointing William Keller to the Electrician’s Examining Board **(Admin Oversight)**

Resolution – reappointing Brian D’Amico to the Convention Center Authority **(Admin Oversight)**

Resolution – reappointing Steven Harrity to the Stadium Commission **(Admin Oversight)**

Resolution – reappointing Robert Heebner to the Stadium Commission **(Admin Oversight)**

Resolution – reappointing Cynthia La Sota to the Historical Architectural Review Board **(Admin Oversight)**

Resolution – appointing Donna Reed to the Pagoda Foundation **(Admin Oversight)**

Resolution – appointing Carl Brown to the Pagoda Foundation **(Admin Oversight)**

Resolution – appointing Mike Reinert to the Pagoda Foundation **(Admin Oversight)**

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, April 27

Meeting with the Mayor – Mayor's Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Thursday, April 30

Reading LRA Meeting – Council Chambers 5:30 p.m.

Monday, May 4

Meeting with the Mayor – Mayor's Office – 4 pm

Finance Committee – Council Office – 5 pm

Public Safety Committee – Council Office – 5 pm

Monday, May 11

Meeting with the Mayor – Mayor's Office – 5 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, April 27

DID Authority – Reading Eagle 3rd floor conference room – noon

BARTA – BARTA Office – 3 pm

Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm

Tuesday, April 28

Housing Authority Workshop – WC Building – 4 pm

Housing Authority Meeting – WC Building – 5 pm

Environmental Advisory Council – Council Office – 6 pm

Library Area Neighborhood Assn – Unitarian Church – 6:30 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

Penn's Commons Neighborhood Group – Penn's Commons meeting room – 7 pm

Wednesday, April 29

Animal Control Board – Penn Room – 7 pm

Thursday, April 30

Local Redevelopment Authority – Penn Room – 5:30 pm

Monday, May 4

Centre Park Artifacts Bank – 705 N 5th St – noon

Wyomissing Park Property Owner's Assn – Member's home – 6:30 pm

Shade Tree Commission – Planning Conference Room – 7 pm

Tuesday, May 5

Charter Board – Penn Room – 7 pm

Wednesday, May 6

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

Thursday, May 7

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Jamestown Conference Room – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Sunday, May 10

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, May 11

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

CITY COUNCIL MEETING
MONDAY, APRIL 13, 2009

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Fred Opalinski, of Trinity Lutheran Church.

All present pledged to the flag.

ATTENDANCE

Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Maria Baez, District 5
Councilor Jeffrey Waltman, District 6
Mayor T. McMahon
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Public Works Director C. Jones
Sgt. at Arms Captain R. Schafer
Managing Director R. Hottenstein

PROCLAMATIONS AND PRESENTATIONS

A Council Commendation was issued to the Central Catholic Boys and Girls Basketball Teams.

PUBLIC COMMENT

Council President Spencer announced that ten (10) citizens were registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rule

requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was suspended. Council President Spencer reminded those registered about the remaining speaking rules.

Richard Palsgrove, of Temple, was not present.

Barry Mackley, of Buttonwood Street, noted the existence of a new private security team to assist law enforcement agencies.

Jeff Crosby, of the Reading Berks Association of Realtors, thanked City Council for their leadership and public service and voiced his opposition to the proposed ordinance that restricts rental housing in low density residential zoning districts.

Mike Klonis, of the Reading Berks Association of Realtors, described his experience with the City's housing registration process. He observed that the extreme slowness of the process is caused by poor communication between the different departments who have a role in the process. He expressed the belief that the enforcement of the codes ordinances will provide a sufficient deterrent to the growth of rental housing, making the ordinance to restrict rental housing unnecessary.

Chuck Leidike, Director of Government Affairs for the Reading Berks Association of Realtors, expressed the belief that the ordinance to restrict rental housing is unnecessary as the enforcement of the City's various codes ordinances provides a sufficient deterrent.

Jose Rodriguez, of North 4th Street, deferred and requested that Council allow Steve Keiser to use his three minutes of comment time.

Rose Glaser, of Temple, commended City Council for their position on keeping the cross on the Fire Tower. She offered to assist the City by raising funds to cover the legal costs to fight the legal challenge waged by the ACLU.

Steve Keiser, of Cumru, noted the legal costs for the Charter Board complaint that was filed by the City Clerk to challenge the residency of a member of the Police Diversity Board. He suggested that the City Clerk repay these costs, if she independently filed the complaint. He also suggested that Council either fire or discipline the City Clerk for filing this complaint.

Paul "Skip" Moyer of Exeter, deferred on his opportunity to comment.

Sean Moretti, of Exeter and a realtor, suggested that the housing registration process could be improved if employees had the ability to see all information in the Hansen program. He expressed the belief that a simple change in policy would allow employees to see information in other departments and offices, eliminating the delays created by the need to confirm if the applicant has complied with specific requirements to have a trash hauler, a business license, etc.

APPROVAL OF AGENDA & MINUTES

Council President Spencer asked Council to consider the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the March 23rd regular meeting. He noted the need to add a resolution making a reappointment to the Water Authority and to introduce an ordinance making amendments to the 2009 budget.

Councilor Marmarou moved, seconded by Councilor Fuhs, to approve the minutes from the March 23rd regular meetings and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

Resolution 36-2009 - authorizing the exoneration of outstanding City property tax, penalties and interest for the year 2008 and 2009 for 1058 Benner's Court, Reading, Berks County, Pennsylvania **(Council Staff)**

Resolution 37-2009 – authorizing an application for “RACP” funds in the amount of five hundred thousand dollars (\$500,000.00) for the “Entertainment Square Lighting” project **(Law)**

Resolution 38-2009 - authorizing the City to submit an application for a PA DCNR Community Conservation Partnerships Program grant for a rehabilitation project at the Barbey Playground **(Man Dir)**

ADMINISTRATIVE REPORT

Mayor McMahon reviewed the report distributed to Council covering the following:

- Recent reduction in crime statistics
- The Administration's work to correct the City's financial problems
- The April 25th Reading Crime Watch Spaghetti Dinner

Councilor Goodman-Hinnershitz added that the Great American Cleanup is scheduled for Saturday, April 18th. The event starts at 9 a.m. at the RACC Library.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- DCED annual audit
- Update on the collection of the Real Estate Transfer Tax
- Initiation of the annual external Audit by Herbein & Co.

The City Auditor noted the potential errors included in the budget amendment being introduced tonight. He stated that this amendment is not based on the numbers in the City's USL finance program.

Councilor Waltman walked City Council and the Auditor through the amendments being introduced tonight and the Council actions that have made the amendments necessary.

The City Auditor expressed the belief that the data in the USL program is correct. Councilor Waltman and Mr. Hottenstein stated that the budget uploaded in USL represents the Administration's interpretation of the budget adopted by Council in December. Mr. Hottenstein stated that the City Clerk discovered that the figures in USL are incorrect. Councilor Waltman reminded the Auditor that Council adopted a budget without tax increases and a 4% reduction in departmental expenditures across the board, excluding the City's debt service. The City Clerk stated that the budget in USL shows some line items reduced by 6%, by 13% and by 28%.

Councilor Waltman stated that the document submitted for introduction tonight shows the budget submitted by the Administration, the budget approved by Council in December and the amendments recently agreed to by the Administration and Council. He noted that as Council approved a property tax increase after the budget ordinance was approved, subsequent adjustments are needed. He noted his frustration that this issue was not resolved sooner. He stated that as it is April, Council and the Administration should be preparing for the 2010 budget, rather than finalizing adjustments to the 2009 budget.

Council President Spencer noted that the budget amendment is only being introduced tonight, which provides time for further review.

Councilor Sterner questioned why the Administration uploaded incorrect figures into the USL program. Mr. Hottenstein stated that the Administration was confused by the amendments made by Council.

Councilor Fuhs noted the need to move beyond this issue and the need to begin to address 2010 issues. He thanked the Administration for their work to improve the City's finances. He also suggested that Council and the Administration work to educate the public about the gravity of the City's financial picture and the financial problems of other Pennsylvania 3rd Class Cities.

Councilor Marmarou requested a report on the collection of Per Capita Tax over the past 20 years. The City Clerk stated that the Council Office prepared this report in the 3rd quarter of 2009 using the City's budgets and external audits. Mr. Hottenstein expressed the belief that collecting this tax is not a priority, as that collected does not cover the cost of the program. Councilor Marmarou countered that the City would be collecting at least \$250,000 if this tax were properly collected. He stressed the need for aggressive collection of all taxes and fees.

Councilor Marmarou demanded that the Administration award the contract for the collection of delinquent taxes and fees.

Councilor Waltman stated that the Administration should not be ignoring collection issues until City Council begins to question the collection activity. He noted the need for the Administration to properly collect taxes and fees to assist the City's bigger financial picture. He also noted the need to adjust fees to cover the cost of various services.

Councilor Goodman-Hinnershitz expressed the belief that the root problem of the housing issue includes a financial component. She suggested that the Administration report on this issue at each Council meeting.

ORDINANCES FOR FINAL PASSAGE

Bill No. 15-2009 – amending the City of Reading Codified Ordinances Section 10-1212.03.2 adding necessary language to establish a non-refundable application fee for all businesses that sell food in the City of Reading (**Law**) *Introduced at the March 9 regular meeting; Tabled at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No 15-2009.

Council President Spencer explained that this amendment will allow the City to cover the cost of the health inspection that accompanies this application process. The fee will apply to all businesses who sell food.

Bill No. 15-2009 was adopted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 6.

Nay: Fuhs - 1.

Bill No. 16-2009 - amending the City of Reading Codified Ordinances – Chapter 4 – Part 1 Historical Districts – Section 102 by adding the definition of satellite dish, antenna and other modern devices and Chapter 4 – Part 1 Historic Districts by establishing guidelines for the installation of satellite dishes and other modern accessories, devices or fixtures of comparable size in historic districts **(Waltman)**
Introduced at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee

Councilor Waltman moved, seconded by Councilor Baez, to table Bill No. 16-2009.

Bill No. 16-2009 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

Bill No. 17-2009 - amending Chapter 11 Housing of the City of Reading Codified Ordinances by amending the term “Housing Permit” to “Rental Registration” **(Law)**
Introduced at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee

Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to table Bill No. 17-2009.

Bill No. 17-2009 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

Bill No. 18-2009 - amending the City of Reading Charter Board Ordinance Section V (A) (2) (c) regarding the withdrawal of complaints filed with the Charter Board (**Charter Board**) *Introduced at the March 23 regular meeting*

Councilor Baez moved, seconded by Councilor Waltman, to enact Bill No. 18-2009.

Council President Spencer read from the explanatory memorandum from the Charter Board accompanying the ordinance. He stated that the Charter Board wishes to correct what they see as a gap.

Councilor Fuhs stated that the Charter Board has the ability to continue with a complaint if it is withdrawn. He read from the appropriate section of the Charter. He expressed the belief that it would be improper to place that limitation on a complainant.

Councilor Goodman-Hinnershitz agreed that as the language allowing the continuation of a complaint is already present, the enactment of this ordinance may not be necessary.

Bill No. 18-2009 was not adopted by the following vote:

Yea: None - 0.

Nay: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Bill No. 19-2009 - amending the full-time employee positions for the City of Reading for the fiscal year 2009 by adding the position of Zoning Inspector and removing one Property Maintenance Inspector (**Community Development**) *Introduced at the March 23 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to enact Bill No. 19-2009.

Mr. Hottenstein explained that the enactment of this ordinance will provide the continuation of the position that provides enforcement of the City's zoning ordinance.

Bill No. 19-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

Bill No. 20-2009 - authorizing the Mayor to execute a deed thereby conveying a certain portion of premises situate at 527 Oley St., Reading to Our City Reading **(Law)**

Introduced at the March 23 regular meeting

Council President Spencer announced that this Bill has been withdrawn by the Administration.

Bill No. 21-2009- amending the FY 2006-2012 Capital Improvement Plan for the City of Reading **(Man Dir)** *Introduced at the February 23 regular meeting; reviewed at the March 16 Public Works Committee Meeting*

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill No. 21-2009.

Mr. Hottenstein explained that this amendment will add the webcasting project into the Capital Program, as requested by the Council office and make other programming adjustments. He stated that webcasting will allow all meetings held in City Hall, along with hearings, press conferences, etc. to be broadcasted to the City's website. He added that webcasting will also eliminate the need for the City to retain the services of a stenographer to record hearings.

Ms. Kelleher stated that this project will increase the City's openness.

Councilor Goodman-Hinnershitz inquired if the City can legally replace the use of a stenographer with this system. Solicitor Younger responded affirmatively.

Bill No. 21-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

INTRODUCTION OF NEW ORDINANCES

Ordinance - authorizing the Mayor to execute a deed, temporary easement from the City of Reading to the Commonwealth of Pennsylvania, Department of Transportation, and other documents (agreement of sale & settlement statement), thereby conveying premises situate at Route 183, Bern Township, Berks County, Pennsylvania **(Law)**

Ordinance - amending 1-271 of the City of Reading Personnel Code (Salary Administration) by amending the salary range for the Finance Director (**Man Dir**)

Ordinance - setting forth the salary of the Finance Director at ninety-eight thousand dollars (\$98,000.00) per annum (**Man Dir**)

Ordinance - amending the City of Reading Codified Ordinances by creating a new Part 20 - Vacant Building Registration - in Chapter 10 Health And Safety Enforcement (**Council Staff & Law**)

Ordinance - amending the 2009 Budget.

RESOLUTIONS

Resolution 39-2009 – amending the handicapped parking regulations (**Law & Council Staff**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Baez, to adopt Resolution No 39-2009.

Solicitor Younger explained the changes to the handicapped parking program. The largest change allows more than 2 handicapped parking spaces per block.

Councilor Goodman-Hinnershitz noted the need for a public education program about these important changes.

Councilor Waltman noted the sensitivity of this issue and the overall purpose to provide those in need with improved services. However, he recognized the strain this could create in places where there is already a shortage of parking.

Resolution No. 39-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Resolution 40-2009– declaring the intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008 and required by the Commonwealth of Pennsylvania **(Council Staff)**

Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution 40-2009.

Council President Spencer stated that the adoption of this resolution will amend the City's current program as required by the Pennsylvania Historical and Museum Commission.

Resolution No. 40-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Resolution 41-2009 – Approving the Conditional Use application for 10 units, 9 residential units on the upper floors and 1 commercial/office unit on the first floor of 1259 N 10th Street, owned by Bradley Weisman, as attached in the Findings of Fact and Conclusion of Law **(Council Staff)**

Councilor Marmarou moved, seconded by Councilor Baez, to adopt Resolution 41-2009.

Council President Spencer stated that Council held a Conditional Use Hearing to take testimony on this application on March 18th. He stated that the hearing was needed due to the discrepancy in the number of units in the City's records. The City's records show only six (6) residential units but the building has nine (9) residential units. He explained that further research into the Codes records show nine (9) residential units in the early 1970s.

City Clerk Kelleher added that the rental use of the building pre-exists the current zoning requirement for off-street parking for rental properties. She noted that the City did not begin requiring off -street parking for rental properties until the 1971 amendment to the Zoning Ordinance.

Resolution No. 41-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

Resolution 42-2009 – authorizing the start of the Properties of Merit program in the City of Reading **(Fuhs)**

Councilor Baez moved, seconded by Councilor Sterner, to adopt Resolution 42-2009.

Councilor Fuhs stated that the Blighted Property Review Committee discovered this no cost program when looking for a program that celebrates property owners who keep their homes well maintained.

Councilor Goodman-Hinnershitz noted the impressive presentation by the founder of the Properties of Merit program at the March work session and the program's growth throughout Pennsylvania.

Resolution No. 42-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.
Nay: None - 0.

Resolution 43-2009 – reappointing Donna Glaze to the Reading Area Water Authority. (Adm. Oversight Committee)

The Administrative Oversight Committee moved to adopt Resolution 43-2009.

Resolution No. 43-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.
Nay: None - 0.

Resolution 12-2009 – Authorizing the submission of the attached PaDEP Grantee Agreement for Bushong Mill Dam, across the Tulpehocken Creek, upstream from the confluence with the Schuylkill River **(Public Works)** *Tabled at the February 23 regular meeting of Council; further discussion held at the 3-16 Work Session; public meeting held April 2*

A motion was made by Councilor Waltman, seconded by Councilor Fuhs, to adopt Resolution No. 12-2009.

Council President Spencer noted the receipt of new information that the City may not be the true owner of the dam. He noted the need for additional research.

Councilor Waltman suggested adding a stipulation to the resolution to address the issue that may arise if the City is not the true owner. He noted the need for Council to vote on this resolution to let interested parties learn City Council's stance on this issue.

Councilor Fuhs expressed the belief that the majority of Council objects to the removal of this dam.

Councilor Marmarou reminded all of his prior concern about the ownership issue. He expressed the belief that if it is determined that the State or another party is the owner, the public will have to lobby again to avoid the future removal of the dam.

Councilor Sterner moved, seconded by Councilor Waltman, to amend Resolution No. 12-2009 by adding a stipulation that if after further research it is discovered that the City is not the true owner, the grantee agreement will not be executed and submitted to the PaDEP.

The motion to amend Resolution 12-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.
Nay: None - 0.

Resolution No. 12-2009, as amended, was not adopted by the following vote::

Yea: None - 0.
Nay: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

COUNCIL COMMENT

Council President Spencer noted Mr. Keiser's misplaced and incorrect comments during the Public Comment period. He stated that the City Clerk filed the Charter Board complaint against a member of the Police Diversity Board at the request of Council, not on her own. He stated that the legal costs grew as this issue was

negotiated through Judge Rufe who sits in Federal Court. He noted some of the oddities created as this board was created by the Settlement Agreement.

Councilor Fuhs stated that before filing the Charter Board complaint, Council directed the City Clerk to send two letters to the Police Diversity Board member seeking this member's resignation as he no longer lived in the City. He stated that this procedure is used successfully with other boards and board members. However, as this member flatly refused to resign, Council directed the City Clerk to file the Charter Board complaint.

Councilor Waltman noted that the use of the court system to address diversity creates a diversion from the true issues and solutions.

Council Waltman noted his repeated requests to the Administration to correct the flaws in the processing of the housing registration process.

Councilor Fuhs stated that the 2010 structural deficit will grow past the \$10 million mark. He stated that the City cannot tax its way out of this problem or correct it by making small adjustments. He noted the work of the Administration to identify a viable solution.

Councilor Marmarou inquired if the security team identified by Mr. Mackley has been sanctioned by the court system or the law enforcement agencies. Mr. Mackley stated that the organization has not been sanctioned. Councilor Marmarou questioned the safety of those involved in this security team.

Councilor Goodman-Hinnershitz expressed her belief in the need to discuss these financial issues with all partners and citizens. She stated that this multi-layered issue needs to be considered by parties such as the courts, the federal government, state government and the county government. She noted the work of Council and the Administration to negotiate through past budgets.

Councilor Goodman-Hinnershitz expressed her belief in the Properties of Merit program and the Great American Clean-up as an important investment in the improvements to the quality of life in Reading. She noted the work of various community groups to make effective improvements to their neighborhoods.

Councilor Sterner thanked all those who addressed Council tonight and noted the City's work to refine the problems with the housing registration process. He reminded everyone that it took Allentown five to eight years to cure the same issues. He noted

the combined efforts of Council staff with the Administration to identify illegal rental properties.

Councilor Sterner congratulated the Central Boys and Girls basketball teams for their success and dedication this season.

Council President Spencer noted the Realtors' assistance with improving the housing registration process.

Council President Spencer stated that while he understands the Administration's attitude about difficulties associated with the collection of the Per Capita Tax, he observed that improved collection could easily cover the cost of the program. He added that the Administration's refusal to properly collect the this tax is a slap in the face to those who pay it.

Council President Spencer reminded everyone that he first spoke about the City's structural deficit two years ago. He expressed the belief that the Administration continues to press Council into making decisions with insufficient or slanted information on the broader financial concerns.

Councilor Waltman noted his past work on past financial panels before being elected to City Council and his work over the past nine years to change the budget process and improve the City's collection practices. He expressed concern that the Administration's "over the cliff" mentality may hinder positive progress.

Councilor Fuhs expressed the belief that the City can no longer make small changes to correct the City's financial condition. He stated that the belief in the continuation of small adjustments is short sighted.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Fuhs moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk

RESOLUTION NO. _____-2009

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Goggle Works Apartments, LLC is relieved and granted a waiver of/from the requirements of posting a bond or surety pursuant to Chapter 22 Subdivision and Land Development Ordinance Section 309 Performance / Maintenance Guarantees (§22-309) of the City of Reading Codified Ordinance for development of Goggle Works Apartments / complex at the northwest corner of the intersection of 2nd (Second) and Washington Streets, Reading, Berks County, Pennsylvania per the plan approved by the City of Reading Planning Commission on September 26, 2006, by its Resolution #39-2006, and any reaffirmation thereof. Provided, that Goggle Works Apartments, LLC shall execute a Municipalities Improvements Agreement in a form prepared and provided by the City of Reading wherein they guarantee without the need to post any surety performance of the requisite municipal improvements for development and construction of the aforesaid project and site. Such waiver is granted in consideration of the requirement that Goggle Works Apartments, LLC is required to post a bond with the Commonwealth of Pennsylvania for the funding provided thereto for development of the project. Goggle Works Apartments, LLC shall as a condition of this Resolution contact the Commonwealth of Pennsylvania to open negotiations for the purpose of the City of Reading becoming a party to the aforesaid bond agreement, if not already the case, to ensure performance of the requisite municipal improvements, to be reviewed and approved by the appropriate City departments and agencies.

Passed Council _____, 2009

President of Council

Attest:

City Clerk

(LAW)

RESOLUTION NO. _____

**AUTHORIZING THE SCHEDULING OF A HEARING ON, ADVERTISEMENT,
POSTING AND FORWARDING FOR COMMENT AMENDMENT TO THE
CITY OF READING ZONING ORDINANCE AND ZONING MAP
CREATING A NEW MU – MUNICIPAL USE ZONING DISTRICT**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:**

That the City Clerk and/or City Solicitor and/or the City Zoning / Planning Division is hereby authorized to perform the following actions as required the Pennsylvania Municipalities Planning Code per Article VI of the MPC (53 PS §§ 10609 and 10610)), for consideration of an Ordinance Amending the City of Reading Zoning Ordinance and Zoning Map by creating a new MU Municipal Use District consisting of That portion of the City of Reading commonly known as Fritz Island, bounded on the north by the centerline of the Angelica Creek, on the east by centerline of the Schuylkill River, on the south by the municipal boundary of the Township of Cumru, and on the west by the municipal boundary of the Township of Cumru and the centerline of Morgantown Road (SR 0010):

1. Schedule a hearing at least thirty (30) days from adoption of this resolution;
2. Advertise and provide public notice of the scheduled hearing per 53 PS §10609;
3. Advertise and provide public notice of the time and place of the meeting at which passage of the ordinance amendment will be considered per 53 PS §10610;
4. Forward a copy of the proposed Ordinance and Final Drafts for the aforesaid Amendment and Map Change of the City of Reading Zoning Map for comment to the Berks County Planning Commission and City of Reading Planning Commission;
5. Mail notice of the public hearing to requisite persons; and
6. Appropriately post the area of the map change as required by the Municipalities Planning Code with notice of the hearing.

Passed Council _____, 2009

President of Council

Attest:



TO: Linda Kelleher, City Clerk
Michelle Katzenmoyer, Deputy City Clerk
FROM: Marty Mayes, Director
DATE: April 8, 2009
SUBJECT: Passage of a resolution authorizing the Mayor to execute
a 2008 Action Plan amendment.

Community Development is asking City Council to approve the amendment at the **May 11, 2009** City Council meeting.

BACKGROUND: \$1,267,021 in Homeless Prevention and Rapid Re-Housing Program is available to program.

BUDGETARY IMPACT: None.

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None.

RECOMMENDED BY: Mayor and Managing Director

RECOMMENDED MOTION: To amend the FFY2008 one year Action and the FFY2004 to FFY2008 five year Consolidated Plans to program \$1,267,021 in Homeless Prevention and Rapid Re-Housing Program funding for the following activities:

\$63,351 for general administration.

\$24,000 for data collection and evaluation which may include upgrading HMIS and participate in HUD sponsored research efforts.

\$67,592 for the City of Reading Office of the Human Relations Commission, 815 Washington Street, Reading, PA 19601 for housing relocation and stabilization services which may include case management, outreach, legal services and mediation.

\$1,112,078 for the Opportunity House, 430 N. 2nd St. Reading, PA 19601 for financial assistance which may include short term rental assistance, medium term rental assistance, security deposits, utility deposits, utility payments, moving cost

assistance, and motel or hotel vouchers. Also, funding may be used for housing relocation and stabilization services which may include case management, outreach, housing search and placement and credit repair.

Cc: N. Nemeth, B. Skimski, D. Wright

RESOLUTION NO. _____

**RESOLUTION OF THE COUNCIL OF THE CITY OF READING
AUTHORIZING THE MAYOR TO EXECUTE A
FFY2008 ONE YEAR ACTION PLAN
AND FFY2004 TO FFY2008 FIVE YEAR CONSOLIDATED PLAN
AMENDMENT**

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for community planning and development programs which will serve as: (1) a planning document for the City that builds on a participatory process at the grass roots level, (2) an application for federal funds under HUD's formula grant program, (3) a strategy to be followed in carrying out HUD programs, and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2004 to FFY2008 five year Consolidated Plan (30th to 34th CD years January 1, 2004 to December 31, 2008) and the FFY2008 one year Action Plan (34th CD year January 1, 2008 to December 31, 2008) have been prepared meeting HUD's requirements and providing guidance for addressing the housing and community development needs of the City;

WHEREAS, \$1,267,021 in Homeless Prevention and Rapid Re-Housing Program (HPRP) funds authorized under Title XII of the American Recovery and Reinvestment Act of 2009 is available to program;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The FFY2008 one year Action and FFY2004 to FFY2008 five year Consolidated Plans are amended to

Program the Homeless Prevention and Rapid Re-Housing Program funds for the following activities:

\$63,351 for general administration

\$24,000 for data collection and evaluation which may include upgrading HMIS and participate in HUD sponsored research efforts

\$67,592 for the City of Reading Office of the Human Relations Commission, 815 Washington Street, Reading, PA 19601 for housing relocation and stabilization services which may include case management, outreach, legal services and mediation

\$1,112,078 for the Opportunity House, 430 N. 2nd St. Reading, PA 19601 for financial assistance which may include short term rental assistance, medium term rental assistance, security deposits, utility deposits, utility payments, moving cost assistance, and motel or hotel vouchers. Also, funding may be used for housing relocation and stabilization services which may include case management, outreach, housing search and placement and credit repair

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.

PASSED COUNCIL _____, 2009

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

BILL NO. _____-2009

AN ORDINANCE

AMENDING CHAPTER 11 HOUSING OF
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11 entitled Housing is amended as follows:

SECTION 11-102 DEFINITIONS is hereby amended to added or amend the following terms and definition:

LEASE – See Rent

LET - See Rent

PERMIT REGISTRATION – filing of an appropriate application and/or registering a property as a rental unit

RENT – compensation for providing a shelter or lodging for occupation or habitation by humans to reside, monetary or non-monetary

RENTING – *the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof whether or not for compensation.*

RENTAL UNIT – a rooming unit or dwelling unit let for rent, a non-owner occupied rooming or dwelling unit, or a dwelling unit occupied by an owner and additional unrelated individuals. A rental unit shall not include a hotel unit. A rental unit includes dwelling units under lease-purchase agreements or long-term (greater than six (6) months) agreements of sale.

SECTION 11-104 APPLICATION FOR PERMIT is hereby amended as follows:

§11-104 APPLICATION FOR REGISTRATION OF A ~~PERMIT~~ RENTAL

Application for and registration of a rental ~~permit~~ property for a dwelling unit or a rooming unit shall be made in writing on forms prepared and provided by the City of Reading ~~Codes Enforcement Division~~ Property Maintenance Division and shall be accompanied by payment of the applicable ~~permit~~ registration fee. Such forms shall

require, but not shall not be limited to, the following information and shall be signed and sworn to by the owner of such dwelling unit or rooming unit:

SECTION 11-105 RENEWAL OF RENTAL PERMIT is hereby amended as follows:

§11-105 RENEWAL OF RENTAL ~~PERMIT~~ RENTAL REGISTRATION

It shall be the responsibility of the owner of the dwelling unit or rooming unit to request and submit an application for renewal of a Rental ~~Permit~~ Registration. Rental Registrations for 2008 and 2009 will be jointly issued and processed by the City of Reading Property Maintenance Division. The owner of every dwelling unit or rooming unit must renew his/her/their Rental ~~Permit~~ Registration for each such dwelling unit or rooming unit for 2008 and 2009 by September 1, 2009. An application for renewal of a rental ~~permit~~ registration for 2008 and 2009 with the requisite fees may be submitted between July 1, 2009 and August 31, 2009. All renewal applications for 2008 and 2009 received after the first of September, 2009 shall be subject to revocation of the rental permit and/or doubling of the fee set forth herein. In addition, failure to pay/renew a rental ~~permit~~ registration by December 1, 2009 will result in submission of the bill and account for a rental ~~permit~~ registration to collections for recovery. The owner of every dwelling unit or rooming unit must renew his/her/their/its Rental Registration for each such dwelling unit or rooming unit for 2010 by April 1, 2010. An application for renewal of a rental registration for 2010 with the requisite fees may be submitted between February 1, 2010 and March 31, 2010. All renewal applications for 2010 received after the first of April, 2010 shall be subject to revocation of the rental ~~permit~~ registration and/or doubling of the fee set forth herein. In addition, failure to pay/renew a rental ~~permit~~ registration by April 1, 2010 will result in submission of the bill and account for a rental ~~permit~~ registration to collections for recovery. Commencing for renewal of a Rental Registration for 2011 and each year thereafter, the owner of every dwelling unit or rooming unit must renew his/her/their/its Rental ~~Permit~~ Registration for each such dwelling unit or rooming unit for said year by the first business day after the first of January of said year. An application for renewal of a rental ~~permit~~ registration for 2011 and each subsequent year with the requisite fees may be submitted between November 1 and December 31 of the applicable year. All renewal applications for 2011 and subsequent years received after the first business day in January of the applicable year shall be subject to revocation of the rental ~~permit~~ registration and/or doubling of the fee set forth herein. In addition, failure to pay/renew a rental ~~permit~~ registration by March 1 of the applicable year will result in submission of the bill and account for a rental ~~permit~~ registration to collections for recovery. To renew a rental ~~permit~~ registration the owner must complete the an application for renewal on the

form prepared and provided by the ~~Codes Enforcement Division~~ Property Maintenance Division and pay the applicable fee. Except as set forth in this Part, on a not less than 3 no more than 5 year basis, renewal of a rental ~~permit-registration~~ is not subject to an inspection. An application for renewal of a rental ~~permit-registration~~ may be denied resulting in nonrenewal of the ~~permit-registration~~ as set forth herein. Failure of the owner to renew a permit will be considered a surrendering and revocation of the rental ~~permit-registration~~ and will require vacation of all occupants/tenants of the dwelling unit or rooming. To obtain a rental ~~permit-registration~~ after its surrender and revocation, the owner will have to submit a new initial application and undergo the requirements thereof. Any waiver of such requirements is at the discretion of the ~~Codes Enforcement Division~~ Property Maintenance Division Administrator or his/her designee.

SECTION 11-109 INSPECTON is hereby amended as follows:

A. INITIAL APPLICATION

Except as provided herein, all properties for which a Rental Registration is submitted from 2007 through 2014 shall not be required to undergo an inspection to be registered as a rental property. Properties which have historically, within the last five (5) years, been owner-occupied and not registered rental properties shall be required to undergo an inspection as part of the initial application to register as a rental property. This provision shall not include registered rental properties from continuing to undergo an inspection pursuant to the City of Reading Rental Inspection Program including but not limited to renewal inspections, routine inspections and complaint inspections nor a Health and Safety Inspection pursuant to the City of Reading Codified Ordinances upon transfer of a property.

If an initial application inspection is required pursuant to the provisions of this Part and the City of Reading Rental Property Inspection Program, then all other portions of §11-109(A) shall remain in full force and effect.

B. RENEWAL INSPECTIONS

An inspection of a dwelling unit or rooming unit shall be performed on a rotating basis commencing in 2009 not less than three (3) years nor more

than five (5) years, per the City of Reading Rental Property Inspection Program.

If a renewal inspection is required pursuant to the provisions of this Part and the City of Reading Rental Property Inspection Program, then all other portions of §11-109(B) shall remain in full force and effect.

SECTION 11-119 OFFICIAL NOTICES is hereby amended as follows:

All official notices, *excluding notice of inspection*, including but not limited to Notices of Violations relating to a dwelling unit or rooming unit shall be served on the owner with a copy to local responsible agent. All official notices, *excluding notice of inspection which shall be in the manner set forth herein*, shall be by first class mail to address of record of the owner and local responsible agent and posting of the dwelling unit or rooming unit.

SECTION 11-123 VIOLATIONS AND PENALTIES is hereby amended as follows:

E. PLACARDING AND CONDEMNING

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector a reasonable amount of time vacation, of a property that is being rented for which a registration therefor has not been filed with the Property Maintenance Division as required by this Ordinance.

PART E. NONEXCLUSIVE REMEDIES IS RENUMBER TO PART F.

SECTION 2: All references to Housing Permit, Housing Rental Permit or Rental Permit shall be amended and changed to Rental Registration or Rental Housing Registration.

SECTION 3: All references to Codes Enforcement Division shall be amended and altered to be Property Maintenance Division.

SECTION 4: All references to Manager of Code or Codes Enforcement Division shall be amended and altered to read Administrator of the Property Maintenance Division.

SECTION 5: All relevant ordinances, regulations, remaining sections of Chapter 11 Housing – Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 6: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 7: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2009

Council President

Attest:

City Clerk

(LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2009
AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE A DEED, TEMPORARY EASEMENT FROM THE CITY OF READING TO THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, AND OTHER DOCUMENTS (AGREEMENT OF SALE & SETTLEMENT STATEMENT), THEREBY CONVEYING PREMISES SITUATE AT ROUTE 183, BERN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA.

WHEREAS, the City of Reading is the titled owner of premises situate along a certain portion of S.R. 183, Bern Township, Berks County, Pennsylvania (see attached exhibits); and

WHEREAS, the Commonwealth of Pennsylvania, Department of Transportation plans to make certain improvements in the vicinity of and/or on land owned by the City of Reading and has offered compensation to the City of Reading for a certain conveyance of certain land owned by the City of Reading (see attached exhibits); and

WHEREAS, the City of Reading intends to convey said subject premises in accordance with a certain agreement of sale (see attached exhibits),

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute a deed, temporary easement from the City of Reading to the Commonwealth of Pennsylvania, Department of Transportation, and other documents (agreement of sale and settlement statement) for premises situate at S.R. 183, Bern Township, Berks County, Pennsylvania, as well as any other required documents to complete the conveyance of subject premises in accordance with attached documents/exhibits for the consideration in the amount of \$49,000.00.

SECTION 2. This Ordinance shall be effective ten (10) days after City Council's passage and approval by the Mayor, or as otherwise provided by the City of Reading's Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING 1-271 OF THE CITY OF READING PERSONNEL CODE (Salary Administration) BY AMENDING THE SALARY RANGE FOR THE FINANCE DIRECTOR.

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Section 1-271 (8) of the City of Reading Codified Ordinances (Personnel Code) shall be amended to read as follows:

- (a) Managing Director- the Managing Director of the City of Reading shall be compensated at an annual salary of no less than \$90,000 and no more than \$120,000.
- (b) Chief of Fire and Rescue Services- the Chief of the Department of Fire and Rescue Services for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (c) Chief of Police- the Chief of Police for the City of Reading shall be compensated at an annual salary of no less than \$80,000 and no more than \$110,000.
- (d) Public Works Director- the Director of the Department of Public Works of the City of Reading shall be compensated at an annual salary of no less than \$70,000 and no more than \$85,000.
- (e) **Finance Director- the Director of the Department of Finance for the City of Reading shall be compensated at an annual salary of no less than 80,000 and no more than \$100,000.**
- (f) Human Resources Director- the Director of the Department of Human Resources of the City of Reading shall be compensated at an annual salary of no less than \$75,000 and no more than \$100,000.
- (g) City Solicitor- the director of the Legal Department for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (h) Community Development Director- the Director of the Department of Community and Economic Development for the City of Reading shall be compensated at a salary of no less than \$75,000 and no more than \$100,000.

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective immediately.

Enacted by Council_____, 2009

President of Council

Attest:

City Clerk

BILL NO. _____-2009

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE FINANCE DIRECTOR.

SECTION 1. COMPENSATION. The salary of the Finance Director, Carl Geffken shall be NINETY-EIGHT THOUSAND DOLLARS (\$98,000.00) per annum, payable in equal bi-monthly installments.

SECTION 2. BENEFITS. Carl Geffken shall receive benefits accorded to other non-union management/professional personnel of the City.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately after its adoption.

Passed Council _____, 2009

President of Council

Attest:

City Clerk

BILL NO. _____-2009
A N O R D I N A N C E

AMENDING THE CITY OF READING CODIFIED ORDINANCES BY CREATING A
NEW PART 20 - VACANT BUILDING REGISTRATION - IN CHAPTER 10 HEALTH
AND SAFETY ENFORCEMENT

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading Code of Ordinances is hereby amended by creating a new Part 20 Vacant Building Registration in Chapter 10 Health and Safety as attached in Exhibit A

SECTION 2. All other sections, parts and provisions of the City of Reading Code of Ordinances shall remain in full force and effect as previously enacted and amended.

SECTION 3. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221.

Enacted _____, 2009.

President of Council

Attest: _____
City Clerk

(Councilor Waltman & Council Staff)
(PMD and LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

PART 20 VACANT BUILDING REGISTRATION

§10—2001. PURPOSE AND ENFORCEMENT.

A. The purpose of this part requiring the registration of all vacant buildings and structures and the payment of registration fees is to assist the City in protecting the public health, safety and welfare, to monitor the number of vacant buildings and structures in the City, to assess the effects of the condition of those buildings on nearby businesses, buildings, structures, properties and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings and structures to register and the pay related fees, and to promote substantial efforts to rehabilitate such vacant buildings and structure. The provisions of this part are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Codified Ordinances of the City of Reading and all relevant codes and/or regulations adopted therein.

§10—2002. DEFINITIONS

For the purposes of this section, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies. The following words shall have the meanings respectively ascribed to them as follows:

Boarded a building, structure or dwelling unit subject to the provisions of this part if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Notice written notice of a violation or requirement under this section mailed, pursuant to first class mail, to the last known address of the owner of the property in question.

Public Nuisance:

- (a) Any building or structure which because of physical condition or use is regarded as a public nuisance and has been declared a public nuisance in accordance with the local housing, building,

plumbing, fire and related codes.

(b) Any building or structure which because of physical condition, use or occupancy is considered an attractive nuisance to children.

(c) Any building or structure which because it is dilapidated, unsanitary, unsafe, insect or vermin infested or lacking in the facilities and equipment required by the City of Reading Codified Ordinances and has been designated by the City as a public nuisance.

(d) Any structure which is a fire hazard or is otherwise dangerous to the safety of person or property.

(e) Any structure from which water, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property creates a hazard to neighboring properties.

(f) Any building or structure which for reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents and other vermin.

(g) Any building or structure which lacks or has rendered inoperable fire protection system as required by the applicable City of Reading Codified Ordinance.

(h) Any building or structure which as a result of its dilapidated, unsanitary, unsafe, insect or infested condition creates a damage or a risk of damage to a neighboring property.

Occupied any building or structure where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this part, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; trash collection services; a valid City business license, or the most recent, federal, state, or City income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of up to date tenant list

Open a building or structure whereat any one or more exterior doors, other than a storm door, is broken, open and, or closed, but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion or any combination of the same.

Owner any person, agent, operator, partnership, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Vacant a building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant occupant(s), or owner-occupants, or tenant(s) on a permanent non-transient basis.

§10—2003. APPLICABILITY

The requirements of this article shall be applicable to every building and structure in the City of Reading and each owner of any building whether governmental, commercial, residential or institutional or owned by non-profit or a for-profit organization in which the building in total shall have been vacant for more than 45 consecutive days. Registration shall be required for all vacant buildings and structures, whether vacant and secure, vacant and open or vacant and boarded and shall be required whenever any building has remained vacant for 45 consecutive days or more. This part shall not apply to any building owned by the United States, the Commonwealth, the City of Reading, County of Berks nor to any of their respective agencies or political subdivisions.

§10—2004. REGISTRATION STATEMENT

Each such owner shall cause to be filed a notarized registration statement on a form prepared and provided by the Property Maintenance Division of the City of Reading, which shall include but not be limited to the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Property Maintenance Division, Building and Trades Division, and the Department of Fire and Rescue Services. For purposes of this part, the following shall also be applicable:

- (a) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent relevant filing with the Pennsylvania Department of State.
- (b) If an estate, the name and business address of the executor of the estate;
- (c) If a trust, the name and address of all trustees, grantors and beneficiaries;
- (d) If a partnership, the names and residence addresses of all partners with an interest of ten (10) percent or greater;
- (e) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;
- (f) If an individual person, the name and residence address of that individual person. The Registration Statement and, where applicable, Registration Fee(s) as required by sub-section §10—2006 of this section shall be billed by the Property Maintenance Division and such Registration Statement and, where applicable, Registration Fee(s), shall be filed with and/or paid to the Property Maintenance Division for the subject year no later than the last business day of said year, on or before December 31, or if December 31 falls on Saturday or Sunday by the preceding Friday, of each year. For purposes of this ordinance, registration application initially shall be due on September 1, 2009

§10—2005. DUTY TO AMEND REGISTRATION STATEMENT

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Property Maintenance Division within thirty (30) days of the occurrence of such change and advise the department in writing of those changes.

§10—2006. FEES

The owner of the vacant property as of December 31st of each calendar year shall be responsible for the filing of his/her Registration Statement and, where applicable, registration payment of the non-refundable registration fee. Said fee shall be \$100 per year per building and structure which has not been declared a public nuisance by the City of Reading Property Maintenance Division, Department of Fire and Rescue Services or Building and Trades Division of the Department of Community Development and the exterior of said building or structure is compliant with the applicable codes and ordinances.

Upon a determination that a building or structure is a public nuisance or becomes non code compliant on the exterior, the fee for Registration of a Vacant Building or Structure shall be:

- \$500 for buildings or structures that have been vacant for one to two years;
- \$1,000 for buildings or structures that have been vacant for two to three years;
- \$2,000 for buildings or structures that have been vacant for three to five years;
- \$3,500 for buildings or structures that have been vacant for five to ten years; and
- \$5,000 for buildings that have been vacant for ten years.

The fee shall increase by \$500 for each year beyond the ten years that the building has been vacant.

An owner may appeal a determination of a public nuisance or exterior non code compliant to the Building and Fire Board of Appeals as set forth herein. Once a building or structure has been declared a public nuisance or non code compliant, upon correction of the basis for such determination, an owner may apply to the Property Maintenance Division for removal of the nuisance or non code compliant determination and reduction of the fee to \$100 per year.

§10—2007. DELINQUENT REGISTRATION FEES AS A LIEN

After the owner is given notice of the amount of the Registration Fee due, except for those owners that have properly perfected an appeal pursuant to §10-2012 above, and the owner fails to pay the amount due within thirty (30) days, said amount shall constitute a debt due and owing to the City, and the City may either enter a lien on the property or turn it over to a collection agency for receipt as provided by law

§10—2008. ONE TIME WAIVER OF REGISTRATION FEE

A one-time, one year waiver of the registration fee may be granted by the Property Maintenance Division upon application of the owner and upon review and advice of the Solicitor's Office, within 15 calendar days of the date of the bill for the registration fee, if the owner:

1. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she has submitted valid architectural plans, based on city's permits and planning application procedures, and otherwise has shown good faith efforts to efficiently rehabilitated, demolish, or otherwise substantially repair or improve said vacant building; or

2. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she is actively marketing the property for sale/lease. Actively marketing will be defined as an owner who has placed a “for sale” or a “for lease” sign on the property with accurate contact information, which is also provided to the Property Maintenance Division, Building and Trades Division and/or Department of Fire Services, and has done at least one of the following:

(a) Engaged the services of a real estate licensee, whose name, address, telephone number and email will be provided to the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, in the Multiple Listing Service (MLS);

(b) Placed weekly advertisements in print or electronic media;

(c) Distributed printed advertisements.

§10-2009. DECISION ON APPLICATION FOR WAIVER

Within thirty (30) days after the waiver application is received by the Property Maintenance Division, and upon review by the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue and advice of the Solicitor’s Office, the Property Maintenance Division shall grant or deny the waiver in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver to the Property Maintenance Division and that application was denied, the owner may seek an appeal from the Building and Fire Board of Appeals by filing an appeal request in writing within twenty (20) calendar days of receipt of the denial.

§10—2010. LOCAL AGENT

If none of the persons listed in §10-2004 above is shown at an address within Berks County, the Registration Statement also shall provide the name and address of a person who resides within Berks County appointed by the owner as the local agent. The owner and responsible local agent shall be jointly and severally legally responsible compliance with the City of Reading Codes and Codified Ordinances and the laws of the Commonwealth of Pennsylvania. The local responsible agent shall be responsible for, including but not limited to, providing the Code Official with access to the building or structure for the purpose of making inspections, is authorized to accept service of process on behalf of the owners, receive notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

§10—2011. INSPECTIONS

Annual Inspection. An annual inspection of a Registered Vacant Building shall be performed by the Property Maintenance Division for Residential Structures and Building / Trades Division and/or Fire Prevention Division for Commercial Structures, or as necessary, to determine if it complies with the minimum requirements, as determined by the code official, of applicable Property Maintenance Code, Building and Trades Codes and Fire Prevention Code. If violations of these Codes are identified the Property Maintenance Code shall issue a notice of violation as per the requirements of those codes and give notice to the owner to comply with the codes with a time to cure. If the violations are not corrected within the time given, the property shall be declared a public nuisance.

Complaint Inspections. Nothing in this Part shall preclude a Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the building or structure. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading.

Right of Entry. The Code Officials are authorized and directed to make inspections at any reasonable hour to determine compliance with the aforementioned codes. For this purpose, the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, its officers or representatives are authorized to enter and examine any building, structure, yard or part of either and every owner, operator or occupant shall allow the inspectors, officers or representatives of the Property Maintenance Division and Department of Fire and Rescue Services free access.

Search Warrant. If any owner, local agent or other person in charge of a building or structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, appropriate Code Official, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

Notice. All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

Failure to Appear for Inspection. If the owner or his/her local responsible agent cannot be available at the proposed time, said owner or representative shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$50 will be assessed against the owner or representative of the owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of \$100 shall be assessed in all cases. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this or the applicable Code including but not limited to the City of Reading Property Maintenance Code. Failure of an owner or his/her local responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

Special Requested Inspection. Whenever the owner, mortgagee, purchaser or other interested party requests a special inspection of a property regulated by this Article, or certification that a property is in compliance with this Article or other applicable City ordinances pertaining to structural condition; when such a request is being made in connection with the sale, conveyance, transfer, financing or refinancing of such property; then such person shall first pay a fee of \$200 to the City to defray the expenses of making such inspection.

§10—2012. SERVICE CUT OFFS

(e) Upon registration of a property the Property Maintenance Division and/or Fire Marshall shall see to it that all service utilities are disconnected as per Property Maintenance Code 108.2.1 Service Utilities.

§10—2013. APPEAL RIGHTS.

A. Registration Fees. The owner shall have the right to appeal the imposition of the registration fees to the Building and Fire Board of Appeals upon filing an application in writing to the Property Maintenance Division no later than twenty (20) calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in §10-2002 above.

B. Public Nuisance and Exterior Non Code Compliant. The owner shall have the right to appeal the determination that a building or structure is a public nuisance or the exterior is non code compliant to the Building and Fire Board of Appeals upon filing an application in writing to the Property Maintenance Division no later than twenty (20) calendar days after notification of said determination. On appeal, the owner shall bear the burden that the property is not a public nuisance and the exterior is code compliant.

C. Fee. The fee for filing of an appeal to the Building and Fire Board of Appeals shall be \$100. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.

§10—2014. ADMINISTRATION AND ENFORCEMENT

Administration and enforcement of this section shall remain under the control of the Property Maintenance Division, Building and Trades Division and/or the Department of Fire and Rescue Services.

§10—2015. VIOLATIONS AND PENALTIES.

A. Violations. The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to file a Registration Statement, to pay any fees required to be paid pursuant to the provisions of this part, or to appear for an inspection, shall constitute a violation. The violation shall be deemed a strict liability offense

B. Prosecution of Violations. The Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee.

shall have the authority to institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation of the provisions of this Part or of the order or direction made pursuant thereto. Such authority shall include but not be limited to the Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee. institution of summary criminal proceedings via the issuance of a nontraffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction, as a means of enforcement of this section and shall, when acting within the scope of employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power of arrest.

C. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for the first two continual and uncorrected failure or refusal to register, or for each failure or refusal to pay and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected failure or refusal to register or for each subsequent failure or refusal to pay or imprisonment for any term not exceeding (90) ninety days. Each day that violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

§10—2016. COMPLIANCE WITH OTHER CODES

In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other City of Reading Code or Ordinance.

§10—2017. NONEXCLUSIVE REMEDIES.

The penalty and collection and lien provisions of this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

§10-2018 BLIGHTED PROPERTY REVIEW

Nothing in this Part, shall be meant or utilized to override or circumvent a property under consideration, review and in the process of the City of Reading Blighted Property Review Committee. A property be under order of the City of Reading Blighted Property Review Committee to be rehabilitated yet continue to be required to register as a Vacant Building or Structure pursuant to this Part.

BILL NO. _____
AN ORDINANCE

**AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE 2009 BUDGET –
REVENUES AND EXPENDITURES – AS ATTACHED IN EXHIBIT A.**

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the amendment of the 2009 Budget – Revenues and
Expenditures – as attached in Exhibit A.

SECTION 2. This ordinance shall become effective 10 days after its adoption in
accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

Attest:

President of Council

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

B I L L N O. _____ 2009
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES
CHAPTER 27 ZONING BY CREATING A NEW SECTION IN PART 11
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OF ZONING DISTRICTS
BY PLACING REQUIREMENTS FOR THE RENTAL OF SINGLE FAMILY HOMES
IN AREAS ZONED R-1, R-1A and R-2 AND AMENDING THE DEFINITIONS
SECTION.**

WHEREAS, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

WHEREAS, over 50% of all residential dwellings in the City of Reading are rental dwellings; and

WHEREAS, there is a greater incidence of violations of various codes of the City at residential dwelling where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at an Owner-occupied residential dwelling or one family-occupied residential dwellings; and

WHEREAS, there is a greater incidence of problems with maintenance/upkeep and quality of life disturbance of residential dwellings where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at Owner-occupied dwellings or one family-occupied dwellings; and

WHEREAS, the City of Reading City Council and residents of these neighborhoods seek to preserve the quality of life in the low density residential zones by creating requirements for one family rental dwelling in area zoned R-1, R-1A and R-2.

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 11 Additional Requirements for Specific Uses or Zoning Districts by creating a Section 27-1107 which creates restrictions on the rental of one family detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts, as follows:

Section 27-1107. Requirements for Rental Dwellings in the R-1, R-1A and R-2 Zoning Districts.

- A. All one family rental dwellings must obtain a zoning permit.
- B. No one family dwelling in these zoning districts shall be converted for multi-family use or created to become Roommate Households as defined in Sections 27-1202 (16) and 27-2202.
- C. The zoning application must include a site plan and architectural plans, drawn to scale, must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- D. The rental dwelling must meet the standards of the City of Reading building, housing and fire codes as required for residential rental dwellings. The owner must verify to the City of Reading on an annual basis that the dwelling meets all of the maintenance, plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
- E. No cooking facilities of any kind shall be located in any room except the central kitchen.
- F. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
- G. No basement or cellar shall be used as a habitable bedroom except by special approval and variance from the Zoning Hearing Board.
- H. Each rental dwelling must provide off-street parking as stated in the City of Reading Zoning Ordinance Section 27-1603 V.
- I. No rental dwelling shall be located within 800 feet of another except by special approval and variance from the Zoning Hearing Board.

SECTION 2. Requiring all existing rental detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts to register their dwellings pre-existing, non-conforming status within one (1) year of the enactment of this ordinance. Registering the dwelling by this date will allow the dwelling to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the dwelling must be converted to a use permitted in the zone within six (6) months.

SECTION 3. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 22 Definitions by adding the following:

RENT, RENTING, RENTAL, LET, LETTING, LEASE OR WORDS OF SIMILAR MEANING – the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof whether or not for compensation.

RENTABLE UNIT, RENTAL PROPERTY, UNIT, OR WORDS OF SIMILAR MEANING - Any dwelling, dwelling unit, rooming house or rooming unit not solely occupied by the owner.

ROOMING UNIT- a portion of a building providing rooms for sleeping and/or sanitary facilities.

ROOMMATE HOUSEHOLDS - a shared housing arrangement where ~~at least two, and no~~ more than three persons not related by blood, marriage, adoption or foster relationship live together in a single dwelling unit and/or a single housekeeping unit on a permanent or temporary arrangement. Any exception to this definition in number of persons in the occupancy arrangement requires approval as a special exception review by the Zoning Hearing Board.

SECTION 4. The owner or qualified agent or manager of the property shall register the rental dwelling annually with the Codes Services and Tax Administration offices. Failure to register on an annual basis will revoke the zoning permit.

SECTION 5. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Councilor Marmarou & Council Staff)

BILL NO__2009

A N O R D I N A N C E

THE COUNCIL OF THE CITY OF READING ENACTS THIS ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES – CHAPTER 4 – PART 1 HISTORICAL DISTRICTS – SECTION 102 BY ADDING THE DEFINITION OF SATELITE DISH, ANTENA AND OTHER MODERN DEVICE AND CHAPTER 4 – PART 1 HISTORIC DISTRICTS BY ESTABLISHING GUIDELINES FOR THE INSTALLATION OF SATELLITE DISHES AND OTHER MODERN ACCESSORIES, DEVICES OR FIXTURES OF COMPARABLE SIZE IN HISTORIC DISTRICTS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Adding new language in the City’s Codified Ordinances Chapter 4, Part 1 Historical Districts Section 102 defining satellite dish, antenna, and other modern device as follows:

Satellite dish- A “dish” antenna that is one meter (39.37”) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service.

Antenna- An antenna that is one meter (39.97”) or less in diameter or diagonal measurement and is designed to receive video programming service via MMDS (wireless cable). Such antennas may be mounted on masts to reach the height needed to establish line-of-sight contact with the transmitter.

Other Modern Device- Any other device communication or other utilized to assist in viewer’s ability to receive video programming signals from direct broadcast satellites, multichannel multipoint distribution (MMDS), and television broadcast stations (TVBS)

SECTION 2. Establishing the following guidelines for the placement of satellite dishes in historic districts:

a. Installation-No satellite dishes, antenna, or other similar modern device shall be installed or placed in front yards, front of buildings or along their facades within historic districts. All satellite dishes, antenna, or other similar modern devices shall be located to the rear of the main dwelling unit. Antenna and satellite dishes may be installed in the rear or on the roof of the main dwelling unit. A roof mounted satellite dish or antenna shall not be visible from the public right of way.

b. Exceptions- Satellite dishes may be installed in front of buildings in the historic district only if no other means of reception can be provided. In such cases, the owner or tenant of the property shall seek the issuance of a certificate of appropriateness as required in section 107 of the Historical District Ordinance. Such satellite dishes shall be installed to be unobtrusive and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The Building Inspector and Historic Preservation Specialist shall approve the installation to ensure there is no disruption to the historic nature and aesthetic value of the district.

c. Removal-Any satellite dishes installed in the front of buildings before the enactment of this ordinance shall be removed to meet the requirements of the ordinance **within ninety (90) days of the effective date of this ordinance** if ~~and when the device requires replacement or when the owner or tenant who installed the device no longer inhabits the property.~~

SECTION 3. This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Enacted _____, 2009

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2009

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A" TO CREATE A NEW ZONING DISTRICT TO BE KNOWN AS MUNICIPAL USE (MU) ZONING DISTRICT AND THE USES ALLOWED THEREIN AS WELL AS THE REQUIREMENTS FOR SUCH USES AND AMENDING THE CITY OF READING ZONING MAP TO REFLECT THE ADDITION OF A NEW ZONING DISTRICT AS DESCRIBED IN AND PER THE MAP ATTACHED AS EXHIBIT "B"

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to create a new zoning district to be known as Municipal Use (MU) Zoning District and the uses allowed therein as well as the requirements for such uses and amending the City of Reading Zoning Map per Exhibit "B" to reflect the addition of a new zoning district, Municipal Use (MU) Zoning District

SECTION 2. SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 3. REPEALER. Any specific provisions of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance or any other City Ordinance or resolution that is in direct conflict within this Zoning Amendment are hereby repealed.

SECTION 4. NUMBERING AND LETTERING. Should any number or letter assigned to an amendment set forth herein conflict with or been previously assigned under a prior amendment to the City of Reading Zoning Ordinance, then the number or letter herein shall be automatically amended when codified to reflect the next available number or letter.

SECTION 5. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 6. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(LAW DEPT.)

EXHIBIT A

SECTION 27-701 DISTRICTS IS AMENDED TO ADD:

I. Municipal Use district (MU).

SECTION 27-702 INTENT OF DISTRICTS IS AMENDED TO ADD:

I. Municipal Use district (MU). The Municipal Use district is intended as a relatively isolated area, reserved for those uses and services traditionally provided by local governments, but whose associated nuisances, and/or security concerns warrant a separation, to the extent practical, from publicly accessible and occupied areas. Permitted uses within the Municipal Use district are those operated by the City of Reading, alone or in partnership with other government entities.

PART 8 DISTRICTS IS AMENDED TO ADD:

§27-816 MU - MUNICIPAL USE DISTRICT

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback
43,560 square feet	40%	80%	80 feet	100 feet	40 feet	40 feet	40 feet	

PERMITTED USES

Wastewater Treatment Operations

Law Enforcement Operations

Fire Fighting and Rescue Service Operations

Recycling Operations

Multiple principal uses and occupancies on single parcels within the Municipal Use district are expressly authorized, where common (City) ownership makes subdivision otherwise unnecessary; 'area and bulk' standards shall apply to the parcel as a whole. The adequacy of separations between uses shall be established by agreement between the City's project representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.

PART 11 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OR ZONING DISTRICTS IS AMENDED TO ADD:

§27-1107 Additional Requirements and Performance Standards for Permitted Uses in the MU Zoning District

A. Wastewater Treatment Operations: an application for a "wastewater treatment operation" shall include a general explanation of the treatment processes, including the technologies involved, noise and odor mitigating measures, and the receiving water body of the treated effluent. The area of wastewater treatment equipment which is *open to precipitation from above* need not be counted in the calculation of building and impervious coverage percentages.

B. Law Enforcement Operations: an application for a "firing range" shall include a description of the design of the berm/backstop, and other safety measures. Designs shall implement the Environmental Protection Agency's Best Management Practices (BMPs) "for lead at firing ranges".

C. Fire and Rescue Service Operations: an application for a "live-fire training facility" shall include a description of the different training structures/evolutions designed. Water towers, simulation buildings, and other buildings specifically designed for their height, may exceed the building height maximum, where such increased height is related to the instruction or practice of fire-fighting and/or rescue techniques.

D. Recycling Operations: an application for a "recycling operation" shall include a description of the types and quantities of materials to be collected and the loading areas.

SECTION 27-1603.1 OFF STREE PARKING STANDARDS IS AMENDED TO ADD:

GG. Wastewater Treatment Operations: off-street parking shall be provided at the rate of at least one space per full-time employee on the largest shift, plus 10% for visitors, inspectors, shift change flexibility, et cetera. When located in the Municipal Use district, a common parking area may be delineated.

HH. Law Enforcement Operations: off-street parking shall be provided at the rate of at least one space for every four classroom seats/shooting lanes. When located in the Municipal Use district, a common parking area may be delineated.

II. Fire and Rescue Service Operations: off-street parking shall be provided at the rate of at least one space for every four classroom seats. When located in the Municipal Use district, a common parking area may be delineated.

JJ. Recycling Operations: off-street parking shall be provided at the rate of at least one space per employee, if any. A minimum of two loading spaces, exclusive of driveways and sized according to the largest vehicles permitted, shall be provided for every container placed. When located in the Municipal Use district, a common parking area may be delineated.

SECTION 27-2202 DEFINITIONS IS AMENDED TO ADD THE FOLLOWING WORDS AND DEFINITIONS:

WASTEWATER TREATMENT OPERATIONS - includes all infrastructure, equipment and activities related to the collection, conveyance, treatment, monitoring, sampling and discharge of wastewater, regardless of its source, including, but not necessarily limited to: the pipes, manholes, junction boxes, valves, pumps, grinders, grit chambers, screening facilities, presses, centrifuges, clarifiers, settling tanks, physical, biological and chemical treatments, laboratories, vehicular and administrative facilities necessary to consistently remediate wastewater according to current regulatory standards operated by the City's Department of Public Works.

LAW ENFORCEMENT OPERATIONS - includes firing ranges, accessory buildings and activities related to firing ranges, facilities for the disposal of regulated/controlled substances, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of law enforcement officers and their supporting staff, operated by the City's Department of Police.

FIRE AND RESCUE SERVICE OPERATIONS - includes live-fire training facilities, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of fire fighters, emergency medical and disaster responders, and their supporting staff, operated by either the City's Department of Fire and Rescue Services or the County of Berks.

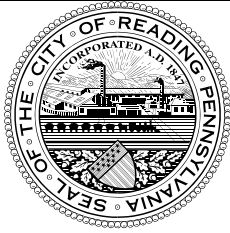
RECYCLING OPERATIONS - includes facilities for the collection and organization of recyclable materials, and/or the composting of organic materials, operated by either the City's Department of Public Works or the Berks County Solid Waste Authority. It may include collection events for the general public, where sufficient loading and staging areas are delineated.

EXHIBIT B

MUNICIPAL USE (MU) ZONING DISTRICT

The City of Reading Municipal Use (MU) Zoning District shall consist of:

That portion of the City of Reading commonly known as Fritz Island, bounded on the north by the centerline of the Angelica Creek, on the east by centerline of the Schuylkill River, on the south by the municipal boundary of the Township of Cumru, and on the west by the municipal boundary of the Township of Cumru and the centerline of Morgantown Road (SR 0010).



AGENDA MEMO

MANAGING DIRECTOR

TO: President Spencer and the City Council
FROM: Ryan P. Hottenstein, Managing Director
MEETING DATE: April 13, 2009
AGENDA MEMO DATE: April 8, 2009
RECOMMENDED ACTION: Approve a Resolution appointment Carl Geffken as Finance Director. In addition, it is recommended that the salary ordinance be approved.

BACKGROUND:

The nominee, Carl Geffken, has his Masters in Business Administration from City University of New York. He also has a Bachelor of Arts in Economics from the State University of New York. Mr. Geffken was the Director of Finance and Human Resources for the National Association on Drug Abuse Problems. He has most recently served as the Interim Chief Financial Officer/Vice President of Finance at the Brooklyn Botanic Garden. His experience meets the requirements for the position and will serve the City well.

BUDGETARY IMPACT: Sufficient funds are available in the City's general fund.

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None

RECOMMENDED BY: Mayor and Managing Director

RECOMMENDED MOTION: Appointment of Carl Geffken to Finance Director.

RESOLUTION NO. _____-2009

**CONFIRMING THE APPOINTMENT OF CARL GEFFKEN AS FINANCE
DIRECTOR FOR THE CITY OF READING**

WHEREAS, Thomas M. McMahon, Mayor of the City of Reading, has moved the appointment of Carl Geffken as Finance Director for the City of Reading at a salary to be set by ordinance.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY
RESOLVES AS FOLLOWS:**

The appointment of Carl Geffken as Finance Director is hereby confirmed and is hereby effective on the effective date of the ordinance setting the salary for the Finance Director.

Adopted by Council _____, 2009

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Andre Grant is appointed to the Blighted Property Review
Committee with a term ending April 27, 2011.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That William Keller is reappointed to the Electrician's Examining
Board with a term ending October 1, 2015.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Brian D'Amico is reappointed to the Convention Center
Authority with a term ending August 29, 2013.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Steven Harrity is reappointed to the Stadium Commission with
a term ending August 18, 2014.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Robert Heebner is reappointed to the Stadium Commission with
a term ending August 18, 2014.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Cynthia La Sota is reappointed to the Historical Architectural
Review Board with a term ending April 27, 2014.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Donna Reed is appointed to the Pagoda Foundation.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Carl Brown is appointed to the Pagoda Foundation.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Mike Reinert is appointed to the Pagoda Foundation.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk